

REMARKS

Claims 9, 11-13, 37 and 41-44 are pending in the application. Claims 9 and 37 have been amended. Reconsideration of this application is respectfully requested.

The Office Action has objected to the specification because of because of the language "comprising a thin film transistor and bus layer (detailed structure not shown but well known in the art)" in the paragraph that begins at line 29 of page 22 of the specification, as amended on December 18, 2009. This paragraph has been amended by deleting the objected to language. Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn.

The Office Action rejects claims 9, 11-13, 37 and 41-44 under the first paragraph of 35 U.S.C. 112 as failing to comply with the written description requirement. The Examiner notes that the feature, "a plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate so as to produce an electric field that is normal to said plane", is not supported by the original specification and, therefore, is new subject matter. Independent claims 9 and 37 have been amended to delete the language, "an electric field that is normal to said plane". Accordingly, it is submitted that the rejection of claims 9, 11-13, 37 and 41-44 under the first paragraph of 35 U.S.C. 112 is obviated by the amendment.

The Office Action further rejects claims 9, 11-13, 37 and 41-44 under the first paragraph of 35 U.S.C. 112 as failing to comply with the enablement requirement. The Examiner notes that the original specification does not enable one of ordinary skill in the art to make and/or use the feature, "a plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate so as to produce an electric field

that is normal to said plane", Independent claims 9 and 37 have been amended to delete the language, "an electric field that is normal to said plane".

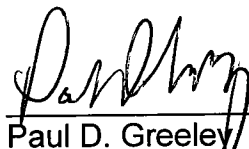
Accordingly, it is submitted that this further rejection of claims 9, 11-13, 37 and 41-44 under the first paragraph of 35 U.S.C. 112 is obviated by the amendment.

It is respectfully requested for the reasons set forth above that the objection to the specification be withdrawn, that the rejections under 35 U.S.C. 112 be withdrawn, that claims 9, 11-13, 37 and 41-44 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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